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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,826	07/06/2005	Kyoichi Ikeda	056877-0102	7956
22428 7590 06/27/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
COLON SANTANA, EDUARDO				
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/536,826

**Applicant(s)**

IKEDA, KYOICHI

**Examiner**

Eduardo Colon-Santana

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)  
Paper No(s)/Mail Date 5/27/05: 10/27/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Action

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 5/27/2005 and 10/27/2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the switch (claim 10) from the switch box must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of

the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Koeppe, Jr. et al. U.S. Patent No. 6,227,335.

Referring to claim 1, Koeppe et al. discloses an elevator car operating panel as claimed (see all figures and respective portions of the specification). Koeppe et al. further depicts in figures 3 and 4 an operating panel (10) having an accommodation box (32) having various opening; switching or display devices (12) being disposed within the accommodation box and having an operation portion; a base member (36) that fixes thereto and supports the switch devices and is

integrally assembled to the accommodation box. Furthermore, Koeppe et al. depicts a dressing member (16) having a opening allowing the operation portion of the switch devices and is removably attached to the base member (36) to cover a part of the surface of the base member, wherein the base member (36) and the dressing member (16) close the opening of the accommodation box (32) (see figure 1).

As to claim 2, Koeppe et al. depicts from figure 3 and 4, that the switch devices are fixed to and supported by the base member 36, projecting the operating portion to outside the dressing member (16) via an opening.

Referring to claim 9, Koeppe et al. discloses an operating panel having a key switch (20), which is fixed to the base member (36) with an opening which is provided with the dressing member (16) allowing the operation portion of the key switch to be exposed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2837

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable and obvious over Koeppe et al. in view of Matsuda et al. Publication NO. WO2001098191.

As to claims 3-8, Koeppe et al. addresses all the limitations of claim 1 above, but does not explicitly describe having display devices having a display portion showing the status of the elevator (i.e. up, down, floor #, etc.) although this is well-known in the art (see below); and particular configurations such as (i.e. U-shaped sections, semi-transparent surface plate on the same plane, etc.). However, Matsuda et al. (see US 6,508,334 for English reference) discloses an elevator operating panel (4) having a well-known display operation device (7) displaying the status of the elevator and being supported by a base member to be exposed on an upper side of a dressing member having an opening formed into a squared shaped section. Nonetheless, it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have a particular configuration of an elevator operational panel without any difference in the details involving the switch displays or switch devices, since Applicant has not disclosed that having either a substantial U-shaped opening or a semi-transparent surface plate in the same plane solves any stated problem or is for any particular purpose, and it appears

the configuration of Koeppe et al. and Matsuda et al. would achieve the same results. In addition the claims would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable and obvious over Koeppe et al. in view of Huang U.S. Patent No. 5,507,366.

Referring to claim 10, Koeppe et al. addresses all the limitations of claim 1 above, but does not explicitly describe that the operating panel has a box which is fixed to the base member, wherein the base member has an opening to enable the door of the box to open and close. However, Huang discloses in figure 5 a control board assembly for an elevator having a box (42) which is fixed to a base member. Box 42 can obviously be an emergency switch box, a telephone box, etc. It would have been obvious to one of ordinary skill in the art because the design incentives would have provided a reason to make an adaptation in the teaching of Koeppe et al. to incorporate a box (i.e. switch box, emergency box, phone box, etc.) and the invention would have resulted from an application of the prior knowledge in a predictable manner. The use of switching boxes or emergency boxes in elevator control panel is well-known in the art for operating the environment of the car (i.e. repairs, emergencies) by authorized personnel.

**Conclusion**

7. The prior art made of record in form 892 and not specifically relied upon is considered pertinent to applicant's disclosure to further show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information, see <http://pair-direct.uspto.gov>. Should you have questions contact the Electronic Business Center at 866-217-9197. If you would like assistance, call 800-786-9199 or 571-272-1000.

/Lincoln Donovan/ Supervisory Patent Examiner, Art Unit 2837	/Eduardo Colon-Santana/ Patent Examiner Art Unit 2837
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/ECS/  
June 20, 2008